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FIRST NATIONAL BANK OF
NORTHERN CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED
NOV - 2 2012
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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ANTHONY CARUSO, an Individual;
MARIA CARUSO, an Individual,

Plaintiff,

v.

FIRST NATIONAL BANK OF
NORTHERN CALIFORNIA, et al.,

Defendants.

Case No.

NOTICE OF REMOVAL

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that defendant First National Bank of Northern California ("FNB") hereby removes to this Court the state court action described below.

1. On October 3, 2012, March 21, 2012, plaintiffs Anthony Caruso and Maria Caruso (collectively, the "Carusos") commenced an action against, among others, FNB in the Superior Court of the State of California in and for the County of Santa Clara, titled *Caruso, et al. v. First National Bank of Northern California, et al.*, as Case Number 112CV233417 (the "Action").

2. The first date upon which FNB was allegedly served with the complaint or summons in the Action was no earlier than October 3, 2012. Removal of this Action is therefore

timely, in that FNB has filed the notice of removal within 30 days of receipt of the complaint. All process, pleadings or orders that have been delivered to FNB in the Action are attached as Exhibits 1-6 to this Notice of Removal.

The process and pleadings are as follows:

Nos.	Filed	Action
1.	October 3, 2012	Complaint for Damages, Request for Temporary Restraining Order & Preliminary Injunction and Declaratory Relief
2.	October 3, 2012	Declaration of Anthony Caruso and Maria Caruso
3.	October 3, 2012	Memorandum of Points and Authorities in Support of Ex Parte Application for a Temporary Restraining Order and Order to Show Cause Why Preliminary Injunction should not Issue
4.	October 3, 2012	Plaintiff Carusos' Ex Parte Application for Relief
5.	October 3, 2012	Order re: Plaintiff Carusos' Ex Parte Application for Relief
6.	October 4, 2012	Notice of Pendency of Action

3. The Action also names Randy Brugioni and First American Title Insurance Company as defendants. FNB is informed and believes that Randy Brugioni and First American Title Insurance Company have not been served with the summons and complaint and have not appeared in the Action. There is no proof of service on file in the Santa Clara County Superior Court showing service of the summons and complaint on any of the defendants named in the Action.

4. **Intradistrict Assignment.** Pursuant to L.R. 3-5(b) and 3-2(d), FNB requests that the case be assigned to the San Jose Division of the Northern District of California as the case was originally filed in Santa Clara County.

5. **Jurisdiction.** The removal is based on the Carusos' claims which arise under federal law. This Action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by FNB pursuant to the

1 provisions of 28 U.S.C. § 1441(a). The Carusos' Action arises under the Truth in Lending Act
2 ("TILA"), 15 U.S.C. Section 1601 *et seq.* and Regulation Z, 12 CFR Part 226, *et seq.* ("Reg Z").
3 The Carusos have alleged that FNB violated TILA and Reg Z. The Court has supplemental
4 jurisdiction over the remaining causes of action under 28 U.S.C. Section 1367. The remaining
5 state law claims are related to the above-described federal claims and arise out of a common
6 nucleus of operative facts.

7 FNB accordingly requests that the Action be removed to this Court and that this
8 Court take jurisdiction of this action to the exclusion of any further proceedings in the state court.

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10 Dated: November ____, 2012

STEIN & LUBIN LLP

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12 By: _____

13 Dennis D. Miller
14 Attorneys for Defendant
15 FIRST NATIONAL BANK OF NORTHERN
16 CALIFORNIA
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10 Dated: November 1, 2012

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